

REMARKS

Reconsideration and timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1, 4-7, and 10-11, under 35 U.S.C. §102(b), as allegedly being anticipated by Horvereid '478 (U.S. Patent No. 3,052,478); and rejected claims 3 and 9, as allegedly being unpatentable over Horvereid '478 in view of Kramer '726 (U.S. Patent No. 3,918,726).

By this Amendment, Applicants have amended independent claims 1 and 6 to provide a clearer presentation of the claimed invention. Applicants submit that no new matter has been introduced. Accordingly, claims 1, 3-7, and 9-11 are once again presented for examination of which claims 1 and 6 remain as the sole independent claims.

Applicants traverse the prior art rejections of the claims, under 35 U.S.C. §§102(b), 103(a), for the reasons presented below.

I. Prior Art Rejections Under §102(b) & §103(a).

Independent claim 1, as amended, positively recites that the seal includes a protrusion extending from an intersection of legs of the letter X *only* in a bushing-side direction farther than a plane connecting bushing-side end portions of the legs of the letter X and that the protrusion contacts the bushing at the end surface *to provide a sealing surface* when the seal is mounted to said endless track. Such features are amply supported by the described embodiments in the Specification. *said* (See, e.g., Specification: page 5, line 9 – page 6, line 9; page 6, lines 16-25; FIGs. 2-3).

Unlike the present invention, there is nothing in the Horvereid '478 reference that teaches the combination of elements recited by amended claim 1. Most notably, as indicated in FIG. 2 of Horvereid '478 reproduced below, Horvereid '478 discloses the use of a seal ring **10** that is symmetrical about a centerline **C** perpendicular to the ring's **10** axis. This should be contrasted with an exemplary embodiment of the present

invention, as depicted in FIG. 1 of the present invention reproduced below, in which seal 1 is clearly asymmetric about a centerline C perpendicular to the seal's 1 axis. This asymmetry is positively recited in the claim limitation providing that the protrusion extending from an intersection of legs of the letter X only in a bushing-side direction farther than a plane connecting bushing-side end portions of the legs of the letter X. Thus, not only does Horvereid '478 fail to teach or suggest this claimed feature, it appears that the reference clearly teaches away from it.

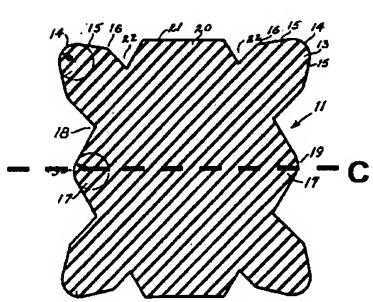


FIG. 2 of Horvereid '478

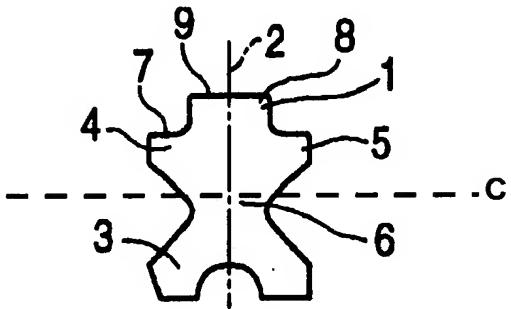


FIG. 1 of Present Invention

Moreover, Horvereid '478 also teaches that protrusions or bumper portions 20 of seal ring 10 are only configured to absorb compression pressure and that the sealing surface contacting the bushing is provided by sealing lips 13. (See, e.g., Horvereid '478: col. 3, lines 25-31, 32-35, 44-46; FIG. 2). As such, Horvereid '478 also fails to teach or suggest that protrusion contacts the bushing at the end surface to provide a sealing surface when the seal is mounted to said endless track, as required by claim 1.

For at least these reasons, Applicants submit that the Horvereid '478 reference does not teach the claimed combination of elements recited by amended claim 1. As such, the Horvereid '478 reference cannot be deemed to anticipate claim 1. Along these lines, because independent claim 6 recites similar features to claim 1, claim 6 is not anticipated by Horvereid '478 for at least the same reasons presented with respect to claim 1. Accordingly, Applicants request the immediate withdrawal of the §102(b) rejections of independent claims 1 and 4.

Moreover, as best understood, none of the applied references, whether taken alone or in combination, are capable of curing the deficiencies noted above regarding Horvereid '478. Accordingly, Applicants submit that the applied references cannot be construed as rendering independent claims 1 and 4 unpatentable. As such, claims 3-5, which depend from claim 1, and claims 7, and 9-11, which depend from claim 6, are patentable by virtue of dependency as well as for their additional limitations. Accordingly, Applicants respectfully request the immediate withdrawal of the §103(a) rejections of claims 3 and 9.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of the pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Please charge any fees associated with the submission of this paper to Deposit Account Number **033975**, Order No. 008378-0303622. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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